



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/759,289

01/16/2004

Jon H. Werner

NavAssist.000004

7156

42640

7590

05/03/2006

DILLON & YUDELL LLP
8911 NORTH CAPITAL OF TEXAS HWY
SUITE 2110
AUSTIN, TX 78759

EXAMINER

LE, NHAN T

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,289

Applicant(s)

WERNER ET AL.

Examiner

Nhan T. Le

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/02/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myllymaki (US 2002/0102988) in view of Rigo et al (US 2002/0049535).

As to claims 1, 11, 20, Myllymaki teaches a portable device, comprising: a global positioning system (GPS) receiver that receives time-stamped waypoints (see fig. 1, number 22, paragraphs 0013-0022); a wireless wide-area network transmitter supporting communication over-the-air to a wireless communication network (see fig. 1, number 23, paragraphs 0013-0022); and a processing unit coupled to the GPS receiver and the wireless wide-area network transmitter, wherein the processing unit receives the time-stamped waypoints from the GPS receiver (see fig. 1, number 21, paragraphs 0013-0022). Myllymaki fails to teach determining route information therefrom, and wherein the processing unit outputs the route information to the wireless communication network during activity via the wireless wide-area network transmitter. Rigo teaches determining route information therefrom, and wherein the processing unit outputs the route information to the wireless communication network during activity via the wireless wide-area network transmitter (see paragraphs 0022-0025). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 2618

provide the teaching of Rigo into the system of Myllymaki in order to provide users querying the geographical position and direction of travel (as suggested by Rigo paragraph 0025).

As to claim 2, the combination of Myllymaki and Rigo teaches comprising a wireless wide-area network receiver coupled to the processing unit (see Myllymaki fig. 1, number 21, paragraphs 0013-0022).

As to claims 3, 12, the combination of Myllymaki and Rigo teaches wherein the GPS receiver comprises an assisted GPS receiver; the wireless wide-area network receiver receives at least elevation information; and the processing unit determines at least a portion of performance information utilizing the elevation information (see fig. 1, number 21, paragraphs 0013-0022).

As to claims 4, 13, the combination of Myllymaki and Rigo teaches wherein the wireless wide-area network receiver receives from the wireless wide-area network route information regarding a predetermined route and wherein the portable device further includes a presentation device that presents the route information (see Rigo paragraphs 0022-0025).

As to claims 5, 14, the combination of Myllymaki and Rigo teaches wherein the presentation device comprises means for presenting the route information in audio format (see Rigo paragraphs 0022-0025).

As to claims 6-7, 15-17, the combination of Myllymaki and Rigo teaches wherein the wireless wide-area network receiver receives recommendation over-the-air from the wireless wide-area network during the fitness activity (see Rigo paragraphs 0022-0025),

and wherein the portable device further includes a presentation device that presents the recommendation to a user during the activity in real-time (see Rigo paragraphs 0022-0025), wherein the recommendation is received in audio format and wherein the presentation device comprises means for presenting the recommendation in audio format, wherein the wireless wide-area network receiver receives the training recommendation in a voice-over-Internet Protocol (VoIP) session (see Rigo paragraphs 0022-0025).

As to claims 9, 18, the combination of Myllymaki and Rigo teaches comprising a microphone to sense audio inputs, wherein the wireless wide-area network transmitter transmits the audio inputs over-the-air to a wireless communication network (see Rigo paragraphs 0022-0025).

As to claims 10, 19, the combination of Myllymaki and Rigo teaches a data storage device coupled to the processing unit, wherein the processing unit stores at least some of the performance information within the data storage device (see Myllymaki paragraphs 0022-0023).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pulver (US 2002/0094776) teaches system and methods for communications.

H Gray (US 2004/0203873) teaches method and system of informing wan user of nearby WLAN access.

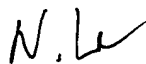
Hammond et al (US 2004/0203789) teaches location service assisted transition between wireless network.

Rankin (US 2003/0100315) teaches location based delivery of service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Le whose telephone number is 571-272-7892. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nhan Le



4-25-2006

NGUYENT.VO
PRIMARY EXAMINER